

ORIGINAL

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FILED

DISTRICT COURT OF GUAM

SEP 28 2006

MARY L.M. MORAN
CLERK OF COURT

10 **IN THE UNITED STATES DISTRICT COURT**

11 **FOR THE DISTRICT OF GUAM**

12 UNITED STATES OF AMERICA,)
13)
14 Plaintiff,)

CRIMINAL CASE NO. 06-00044

COMPLAINT

**CONSPIRACY TO EXPORT
DEFENSE ARTICLES**

[18 U.S.C. § 371 and 22 U.S.C. § 2778]

15 vs.)
16)

17 HAJI SUBANDI,
REINHARD RUSLI, and
18 HELMI SOEDIRDJA,

19 Defendants.)
20)

21 **THE UNDERSIGNED COMPLAINANT CHARGES UPON INFORMATION AND BELIEF
THAT:**

22 **The Export and Import of Defense Articles**

23 1. The export from, and import into, the United States of arms, munitions, military
24 aircraft parts, and related components, and the technology to build such items, is strictly
25 controlled by statutes and regulations.

26 2. The Arms Export Control Act, Title 22, United States Code, Section 2778, and the
27 International Traffic in Arms Regulations (the "ITAR"), Title 22, Code of Federal Regulations,
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1 Part 120, authorize the United States Department of State's Directorate of Defense Trade
2 Controls ("the DDTC") to establish the United States Munitions List ("the Munitions List").

3 3. The Munitions List is a catalog of designated "defense articles" which are subject to
4 export and certain import restrictions. Any person who intends to export, or import temporarily,
5 defense articles on the Munitions List from or into the United States is required to first obtain a
6 license from the DDTC. An applicant for an export or temporary import license from the
7 Department of State must identify in the required license application the ultimate and final
8 destination of the goods, which in the trade is referred to as the "end user."

9 4. Included on the Munitions List are assorted classifications of conventional weapons,
10 ammunition as well as components designed and manufactured for use by the military, including
11 night vision technology.

12 5. The export of any Munitions List item to the Republic of Indonesia requires a license
13 from the DDTC.

14 6. ITT Industries, with offices at Roanoke, Virginia develops and manufactures night
15 vision technology, including the Monocular Night Vision Device (MNVD), Model AN/PVS-14.
16 EOTech designs, manufactures and markets electro-optics products and systems, including the
17 EOTech Holographic Weapons Sight, Model M-522. It has headquarters in Ann Arbor,
18 Michigan. These items are found on the Munitions List and cannot be legally exported from the
19 United States without a license from the DDTC.

20 COMPLAINANT FURTHER STATES:

21 7. I, John C. Burgess, being a Special Agent with the U.S. Immigration and Customs
22 Enforcement (ICE) of the Department of Homeland Security, state that ICE maintains an
23 undercover business in the United States for the purpose of investigating possible violations of
24 the Arms Export Control Act. I am assigned to the Baltimore, Maryland office, and acting in my
25 official capacity, set forth the following:
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1 The Conspiracy to Violate the Arms Export Control Act

2 8. From in or about August of 2006 through the date of this Complaint, in the United
3 States Territory of Guam, the District of Maryland, the Republic of Indonesia and elsewhere,
4 **HAJI SUBANDI, REINHARD RUSLI and HELMI SOEDIRDJA**, the defendants herein, did
5 knowingly and willfully combine, conspire, confederate and agree with each other, and with
6 others, to commit offenses against the United States, that is, to export, and temporarily import,
7 defense articles listed on the Munitions List without the required license, contrary to Title 22,
8 United States Code, § 2778 and 18 U.S.C. Section 371.

9 The Object of the Conspiracy

10 9. The object of the conspiracy was to enrich the defendants by shipping Munitions List
11 items to customers in the Republic of Indonesia without obtaining the appropriate license from
12 the United States Department of State, Directorate of Defense Trade Controls, in violation of the
13 Arms Export Control Act.

14 The Manner and Means of the Conspiracy

15 10. It was part of the conspiracy for the defendants to act as brokers and middlemen
16 between manufacturers and distributors of technology produced for military use and to military
17 specifications, and purchasers of such technology. The purchasers, or "end users," of this
18 technology were individuals and/or entities located within the Republic of Indonesia.

19 Overt Acts

20 11. Beginning in or about March of 2004 **Haji Subandi** made inquiries to an undercover
21 business in the United States to acquire equipment adapted to United States military special
22 forces use, including night vision goggles, for export from the United States to the Republic of
23 Indonesia. As months passed, **Subandi** made numerous inquiries regarding the purchase of
24 Munitions List technology. In August of 2006, **Subandi** placed an order with the undercover
25 business to purchase a Monocular Night Vision Device (MNVD), Model AN/PVS-14 and a
26 EOTech Holographic Weapons Sight, Model M-522 for a total of approximately \$2,950. This

1 purchase was intended as a sample for a larger order for the same or similar devices to be
2 consummated in the future. On or about August 31, 2006 **Subandi** sent a wire transfer in the
3 amount of \$2,950, more or less, to a bank account in the United States maintained by the
4 undercover business from a bank in the Republic of Indonesia as payment for the aforementioned
5 device.

6 12. In an electronic mail sent by **Subandi** to the undercover business, he stated that an
7 individual named '**Reinhard**' had contacts within the Indonesian military and would be assisting
8 in the transaction.

9 13. On September 21, 2006 **Haji Subandi, Reinhard Rusli and Helmi Soedirdja**
10 arrived in the United States Territory of Guam to meet with an undercover officer for the purpose
11 of taking delivery of certain aforementioned night vision devices and to discuss the acquisition of
12 other Munitions List items, to be exported from the United States without a license as required
13 by DDTC.


14 14. On September 22, 2006 **Subandi** met with undercover agents in Guam and discussed
15 the delivery of the aforementioned night vision device and described to the undercover officers
16 the roles of **Rusli and Soedirdja** in the transaction. **Subandi** described **Rusli and Soedirdja** as
17 being his financial partners who were providing the monetary backing for both the current
18 transaction as well as future deals.

19 15. On September 23, 2006 **Subandi, Rusli and Soedirdja** met with undercover officers
20 in Guam and discussed the delivery of the sample Monocular Night Vision Device (MNVD),
21 Model AN/PVS-14 and the EOTech Holographic Weapons Sight, Model M-522. **Subandi,**
22 **Rusli and Soedirdja** asked to examine the devices as well as other sample night vision
23 equipment which are controlled by the Munitions List. During this meeting, the undercover
24 officers made clear to **Subandi, Rusli and Soedirdja** that the transfer of these devices was illegal
25 without licenses being first obtained from the DDTC. **Subandi, Rusli and Soedirdja** verbally
26 acknowledged that each understood that the proposed transaction was illegal and re-affirmed
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1 their intent to participate in this and future transactions by affirmatively stating, in substance and
2 in part, that each 'was in.' **Subandi, Rusli and Soedirdja** discussed with the undercover officers
3 the safest method of smuggling the devices out of the country through the international airport at
4 Guam and spoke of additional illegal transfers of Munitions List items to be consummated in the
5 future.

6 16. On September 24, 2006 **Subandi, Rusli and Soedirdja** again met with the
7 undercover officers and took possession of a Monocular Night Vision Device (MNVD), Model
8 AN/PVS-14, a Model PVS-7 night vision device and the EOTech Holographic Weapons Sight,
9 Model M-522. Each of these devices is controlled by the Munitions List and requires an export
10 license. **Subandi, Rusli and Soedirdja** also agreed to wire transfer into an undercover bank
11 account additional funds as further payment for the devices. **Subandi, Rusli and Soedirdja**
12 again discussed the safest method of smuggling the devices through the Guam airport and **Rusli**
13 and **Soedirdja** stated they planned to depart the United States Territory of Guam with the devices
14 on an evening flight to Indonesia on September 24, 2006.

15 17. Based on the foregoing, I believe that there exist probable cause to believe that **Haji**
16 **Subandi, Reinhard Rusli and Helmi Soedirdja** have committed the offense of Conspiracy to
17 Violate the Arms Export Control Act contrary to Title 22, United States Code, § 2778 and 18
18 U.S.C. § 371.

19
20 
21 JOHN C. BURGESS
22 Special Agent
23 Bureau of Immigration &
24 Customs Enforcement

25
26 SUBSCRIBED AND SWORN to before me this 28th day of September, 2006.

27 
28 JOAQUIN V.E. MANIBUSAN, JR.
U.S. Magistrate Judge
District of Guam